

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM HURD,

Plaintiff,

vs.

UNION PACIFIC RAILROAD CO.,

Defendant.

8:23CV201

**THIRD AMENDED FINAL
PROGRESSION ORDER AND TRIAL
SETTING ORDER (AMENDED)**

After conferring with counsel for the parties,

IT IS ORDERED that the trial and pretrial conferences settings and pretrial deadlines are amended as follows:

- 1) The jury trial of this case is set to commence before Joseph F. Bataillon, Senior United States District Judge, **in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska**, at 8:30 a.m. on **April 28, 2025**, or as soon thereafter as the case may be called, for a duration of five (5) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.

- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **March 28, 2025 at 10:00 a.m.**, and will be conducted by internet conferencing. Conferencing instructions will be provided by the

court prior to the conference.

- 3) The parties have agreed to the following pretrial deadlines:
 - a. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to carson@ned.uscourts.gov, in Word format, by 5:00 p.m. on February 3, 2025.
 - b. Motions in limine and motions seeking pretrial evidentiary hearings on the admissibility of evidence shall be filed no later February 3, 2025. Each party may file no more than five (5) motions in limine. Motions for leave to file additional motions in limine should be directed to the trial judge.
 - c. Responses as to Motions in Limine are due on or before February 17, 2025.
 - d. Replies as to Motions in Limine are due on or before February 24, 2025.
 - e. Deposition designations are due on or before February 7, 2025.
 - f. Deposition counter-designations and objections are due on or before February 21, 2025.
 - g. The deadline for submitting trial briefs and proposed jury instructions is February 28, 2025.
 - h. Objections to jury instructions and exhibits provided to the Court must be made at least 5 days prior to trial.
 - i. The deadlines for updated expert reports for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#))) is March 28, 2025.

- 4) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.
- 5) Plaintiff's unopposed motion to supplement the record in support of his Motion to Exclude Undisclosed Expert Testimony (Filing Nos. 47-48, 66) and his Motion to Strike the Declaration of Dr. John Holland (Filing Nos. 69-70, 81) is granted. ([Filing No. 98](#)). Filing No. 100 is deemed submitted in support of these motions.

Dated this 10th day of January, 2025.

BY THE COURT:

s/ Ryan C. Carson

United States Magistrate Judge